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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/693,719	10/24/2003	Douglas R. Swarts	PFI-P002	1572	
40418	7590	09/14/2009	EXAMINER		
HEIMLICH LAW		FOX, JOHN C			
5952 DIAL WAY		ART UNIT		PAPER NUMBER	
SAN JOSE, CA 95129		3753			
		NOTIFICATION DATE		DELIVERY MODE	
		09/14/2009		ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

alanheimlich@heimlichlaw.com
sroberts@peloquinlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DOUGLAS R. SWARTS

Application 10/693,719
Technology Center 3700

Mailed: September 14, 2009

Before *JOYCE GUNTER-RILEY, Review Paralegal.*

GUNTER-RILEY, Review Paralegal.

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received by the Board of Patent Appeals and Interferences on August 31, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

PRIOR ORDER FOR RETURN

A prior “Order Returning Undocketed Appeal to Examiner” was mailed on May 19, 2009 wherein the Examiner was instructed that corrections were required. A review of the file finds that the required corrections have not been made or have not been made in entirety. The matters still requiring attention prior to docketing are identified below.

CONCLUSION

Accordingly, it is hereby
ORDERED that the application is returned to the Examiner for further consideration.

- 1) The application does not contain a 892 or 1449 form that list Schoellhorn 6,607,009 reference as required; and
- 2) for such further consideration

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

/jgr/

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SAN JOSE CA 951